

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

JACOB W. OWENS,

Plaintiff,

v.

**COOK CHILDREN'S MEDICAL
CENTER,**

Defendant.

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CIVIL ACTION NO.

4:20-cv-551

NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Cook Children's Medical Center ("Defendant") hereby gives notice and removes to this Court the state court lawsuit described below, and as grounds for removal state as follows:

1. On March 27, 2020, Plaintiff Jacob W. Owens ("Plaintiff") filed his Original Petition ("Petition") in the 141st Judicial District Court, Tarrant County, Texas. The citation and Petition were served on Defendant on May 4, 2020. A true and copy of Plaintiff's Petition is attached as Exhibit A-2. Among other things, Plaintiff brings claims for disability discrimination in employment in violation of the Americans With Disabilities Act of 1990, 42 U.S.C. § 12101 et. seq. ("ADA") and violation of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended, 29 U.S.C. §§ 1161(a) et seq. ("COBRA"). (Ex. A-2, pp. 10, 12). Plaintiff seeks, among other things, recovery for lost wages, front pay, past and future pain and suffering, past and future mental anguish, pre- and post-judgment interest, reasonable attorneys' fees, costs of court, and exemplary damages. (Ex. A-2, pp. 12-13).

2. Venue is proper in this district and division under 28 U.S.C. § 1441(a) because the state court where the lawsuit has been pending is in this district and division.

3. Defendant invokes the jurisdiction of the Fort Worth Division of the United States District Court for the Northern District of Texas. The District Courts of the United States have original jurisdiction over this action pursuant to 28 U.S.C. § 1331 because Plaintiff's claims arise under federal law. Specifically, among other things, Plaintiff brings claims for violation of the Americans With Disabilities Act of 1990, 42 U.S.C. § 12101 et. seq. and the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended, 29 U.S.C. §§ 1161(a) et seq. ("COBRA"). (Ex. A-2, pp. 10, 12). Because Plaintiff's claims arise under federal law, removal is proper to the district and division embracing the place where the action is pending. 28 U.S.C. § 1441(a). Consequently, this case is removable without regard to the citizenship or residence of the parties. 28 U.S.C. § 1441(b).

4. A true and correct copy of all process, pleadings, and the orders served upon Defendant in the state court action are being filed with this notice, as required by 28 U.S.C. § 1446(a). (See Exhibit A).

5. In accordance with Local Rule 81.1(4)(A), attached hereto as Exhibit A is an index of all documents required to be attached to this notice; Exhibit A-1 is the docket sheet in the state court action. Exhibits A-2 through A-4 contain all documents filed in the state court individually marked and in chronological order.

6. As indicated in the attached Certificate of Service below, Defendant is giving the adverse party written notice of the filing of this Notice of Removal, as required by 28 U.S.C. § 1446(d).

7. Defendant is filing a copy of this Notice of Removal this date with the Clerk of the 141st Judicial District Court, Tarrant County, Texas, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant requests that the above-entitled action be removed in its entirety from the 141st Judicial District Court, Tarrant County, Texas, to this Court. Defendant requests any other relief to which it is justly entitled.

Respectfully submitted,

/s/ Russell D. Cawyer

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

On May 29, 2020, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Russell D. Cawyer

Russell D. Cawyer